

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Corrigent Corporation,  
  
Plaintiff,  
  
v.  
  
Cisco Systems, Inc.,  
  
Defendant.

Civil Action No. 6:22-cv-00396-ADA  
  
**JURY TRIAL DEMANDED**

**OMNIBUS PRETRIAL CONFERENCE ORDER**

After considering the briefing and the oral arguments at the November 15, 2024, pretrial conference, the Court hereby memorializes the following rulings on the pending motions and motions *in limine* for the above-captioned case:

**SUMMARY JUDGMENT MOTIONS, DAUBERT MOTIONS, AND MOTIONS TO STRIKE**

<b>Moving Party</b>	<b>ECF No.</b>	<b>Title</b>	<b>Ruling</b>
Defendant Cisco	136	Defendant Cisco Systems, Inc.'s Motion for Summary Judgment of NonInfringement of U.S. Patent No. 7,113,485	<b>Denied as Moot</b>
Defendant Cisco	138	Defendant Cisco Systems, Inc.'s Motion for Summary Judgment of NonInfringement of U.S. Patent No. 6,957,369	<b>Denied as Moot</b>
Defendant Cisco	142	Defendant Cisco Systems, Inc.'s Motion to Strike Portions of the Opening and Reply Expert Reports of Dr. Robert Akl	<b>Denied as Moot</b>
Plaintiff Corrigent	144	Plaintiff Corrigent Corporation's <i>Daubert</i> Motion regarding Apportionment and Cisco Patents	<b>Denied</b>


<b>Moving Party</b>	<b>ECF No.</b>	<b>Title</b>	<b>Ruling</b>
Plaintiff Corrigent	156	Plaintiff Corrigent Corporation's Motion to Strike Portions of Technical Expert Reports Replying on Non-Elected Prior Art and Infringement Contentions	<b>Denied, with right to raise at trial</b>
Plaintiff Corrigent	170	Plaintiff Corrigent Corporation's Motion to Strike the Supplemental Expert Report of Kevin Jeffay regarding Non-Infringement and Invalidity of the '485 Patent	<b>Denied as Moot</b>
Defendant Cisco	233	Defendant Cisco Systems, Inc.'s Motion to Strike the Supplemental Report of Dr. Robert Akl, D.Sc. regarding Infringement of U.S. Patent No. 7,113,485	<b>Denied as Moot</b>
Defendant Cisco	277	Defendant Cisco Systems, Inc.'s Opposed Motion to File Supplemental Brief in Support of Cisco's Motion to Exclude the Expert Testimony of David Hahn	<b>Denied as Moot</b>
Defendant Cisco	302	Defendant Cisco Systems, Inc.'s Renewed Motion for Judgment on the Pleadings Under Fed. R. Civ. P. 12(c)	<b>Granted</b>
Defendant Cisco	319	Defendant Cisco Systems, Inc.'s Renewed <i>Daubert</i> Motion to Exclude the Damages-Related Opinions of Dr. Robert Akl and Mr. Walter Bratic	<b>Denied</b>

**MOTIONS *IN LIMINE***

<b>Motion</b>	<b>Ruling</b>
Plaintiff Corrigent MIL NO. 2: Exclude Improper Lay Witness Infringement and Invalidity Opinions (ECF No. 250)	<b>Denied, with right to object at trial</b>
Plaintiff Corrigent MIL NO. 3: Exclude Undisclosed Non-Infringement and Invalidity Theories (ECF No. 250)	<b>Denied, with right to object at trial</b>
Plaintiff Corrigent MIL NO. 4: Exclude Evidence or Arguments Regarding The Prosecution Histories (ECF No. 250)	<b>Denied, with right to object at trial</b>

Motion	Ruling
Defendant Cisco Motion in Limine # 2: Exclude pre-suit correspondence except as related to the '485 patent, because Corrigent dismissed its claims of pre-suit indirect and willful infringement as to all other patents-in-suit. (ECF No. 252)	<b>Granted as MIL, but parties are instructed to approach the bench if needed or otherwise raise this issue outside the presence of the jury before any reference, argument, or evidence will be allowed</b>
Defendant Cisco Motion in Limine # 4: No reference to Party's or Party's counsel's prior work with experts in other cases. (ECF No. 252)	<b>Denied, with reciprocal application for both parties</b>
Defendant Cisco Motion in Limine # 5: No reference to the presumption of validity and the clear and convincing evidence standard that is beyond what is stated in the jury instructions. (ECF No. 252)	<b>Pending with Court to rule prior to opening arguments</b>

**SIGNED** this 25th day of November, 2024.

  
 ALAN D ALBRIGHT  
 UNITED STATES DISTRICT JUDGE